

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE:** 7/2/19

**UNITED STATES MAGISTRATE JUDGE**

**COURT REPORTER: Shawn McRoberts  
- PLANO 108**

**KIMBERLY C. PRIEST JOHNSON**

**COURTROOM DEPUTY: Lori Stover**

USA v JAMES MORRIS BALAGIA (3)	<b>CASE NO.</b>  4:16CR176
<b>ATTORNEY FOR Government</b>	<b>ATTORNEY FOR Defendant</b>
Heather Rattan, Jay Combs	Daphne L. Silverman

Attorneys: Rafael De La Garza, Clyde Siebman appear for SEALED portion of hearing -de #252 sealed motion

On this day, came the parties by their attorneys, the following proceedings were held in Plano, Texas:

**OPEN:** 10:04 am

**ADJOURN:**

<b>TIME:</b>	<b>MINUTES:</b>
10:04 am	Case called and announcements are made. The Court will issue final orders or
	report and recommendations to the District Judge on these motions. The Court
	will take up de #252 sealed motion.
10:07 am	Sidebar with the attorneys and the Court
10:10 am	The portion of the hearing/courtroom is SEALED regarding de #252 sealed
	motion.
10:34 am	The Court grants motion de #252.
10:36 am	The hearing/courtroom is now UNSEALED. The Court takes up de #246 motion
	for protective order.
10:37 am	Defense attorney Ms. Silverman makes her objections/arguments for the record.
10:40 am	Ms. Rattan responds to Ms. Silverman's arguments.
10:43 am	The Court GRANTS motion de #246 - Motion for Protective Order

CASE NO. 4:16cr176

DATE 7/2/2018

PAGE 2 - PROCEEDINGS CONTINUED: Motion hearing

<b>TIME:</b>	<b>MINUTES:</b>
10:44 am	The Court takes up de #242 Motion for pre-trial James hearing.
10:46 am	Attorney Ms. Silverman presents her argument in support of de #242 Motion.
10:48 am	Ms. Rattan responds to Ms. Silverman's arguments.
10:54 am	The Court DENIES de # 242 Motion for pre-trial James hearing.
10:55 am	The Court takes up de #257 (SEALED) Motion to disqualify prosecutor. The Court does NOT seal the record/courtroom by agreement of the parties.
10:55 am	Attorney Ms. Silverman presents her argument in support of de #257 Motion.
11:09 am	Mr. Combs responds to Ms. Silverman's arguments re: de #257 Motion. Govt exhibit #1 is admitted.
11:21 am	Attorney Ms. Silverman responds to Mr. Combs response.
11:24 am	The Court DENIES de #257 Motion.
11:24 am	The Court takes up de #299 Motion to modify conditions of release and remove electronic monitoring
11:27 am	The Defendant makes a statement regarding electronic monitoring.
11:30 am	The Court GRANTS de #299 Motion to modify conditions of release and remove electronic monitoring- no monitoring at this point and no curfew.
11:32 am	The Court takes up SEALED de #262 Motion to Dismiss. Ms. Silverman states this motion should not have been sealed. The Court does NOT seal the hearing/courtroom. The Court takes up de #265 Motion to Suppress
11:32 am	Ms. Silverman presents arguments in support of de #262 motion to dismiss.
11:40 am	Court will make the recommendation to deny motion de #262
11:41 am	Ms. Silverman presents arguments in support of de #265 motion to suppress.
11:44 am	Court will make the recommendation to deny motion de #265 motion to suppress.
11:46 am	Court in recess for 10 minutes.
11:59 am	The Court will take up motions de #200, de #243, de #264, de #266
12:03 pm	Ms. Silverman presents argument in support of de #200 motion .
12:05 pm	Ms. Rattan responds to Ms. Silverman's arguments.
12:23 pm	Both sides continue to present argument/rebuttal on these motions.
12:24 pm	Ex parte discussion between Court and Ms. Rattan.

CASE NO. 4:16cr176

DATE 7/2/2018

PAGE 3 - PROCEEDINGS CONTINUED: Motion hearing

<b>TIME:</b>	<b>MINUTES:</b>
12:45 am	Court takes up Sealed motion #243. Both sides agree this motion is not SEALED. The courtroom/record is not sealed.
12:46 pm	Ms. Silverman presents argument in support of de #243 motion.
12:58 pm	Court takes up motion #264.
	Ms. Silverman presents argument in support of de #264 motion.
12:59 pm	Ms. Silverman offers Exhibit #1 - FBI investigation report. The court admits the exhibit under seal.
1:05 pm	The Court denies motion #264.
1:05 pm	Court takes up motion #266
1:06 pm	Ms. Silverman presents argument in support of de #266 motion.
1:15 pm	Ms. Rattan responds to Ms. Silverman's argument.
1:20 pm	Court notifies Ms. Silverman that de #314 is filed and marked as deficient.
1:25 pm	Court will issue final orders or report and recommendations regarding motions that were taken up in this hearing. Court is in recess.

**DAVID A. O'TOOLE, CLERK**BY: Lori Stover  
Courtroom Deputy Clerk